Appln. No.: 09/909,179   MATP-610US
Amendment Dated November 19, 2004
Reply to Office Action of August 26, 2004

Remarks/Arguments:

Claims 1-14 are pending in the above-identified application.

Claims 1-14 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Levine. With regard to claims 1-6 and 11 this ground for rejection is respectfully traversed. With regard to claims and 7-10 and 12-14, the rejection is overcome by the amendments to claims 7 and 12.

With regard to claim 1, Levine does not disclose or suggest "means for storing voice messages transmitted by said user through said means for communicating," as required by claim 1. Levine uses memory within a computer that is at a location remote from the user and the Video Plus device 10 to store audio messages and transmit the messages to the user. (See col. 2, lines 35-38 and col. 5, lines 32-49). The audio message memory 58, shown at Figure 3 in Levine, is not equivalent to any "means for storing messages transmitted by said user through said means for communicating," because the messages in Levine are not transmitted by the user but by the remote computer and because these messages request the user to provide responses via the touch-tone keypad. Moreover, it would not be obvious to modify Levine to include such a feature because Levine requires that both the user and the Video Plus device 10 be collocated connected to the same telephone circuit. (See col. 2, lines 41-46). It would not make sense for a user to use a telephone connection to transmit a message to the Video Plus unit 10 if he or she is connected to the same telephone circuit as the unit 10.

Because Levine does not disclose or suggest this limitation of claim 1 , claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Levine. Claims 3-6 depend from claim 1. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 102(b) in view of Levine

With regard to claim 2, Levine does not disclose or suggest:

> means for starting a recording process by a video recorder responsive to the stored parameters including an infrared signal transmitter that transmits a command to the video recorder causing the video recorder to enter a programming mode, that transmits the parameters to the video recorder as the

> program and that transmits a command to the video recorder to leave the
> programming mode

as required by claim 2.

The Levine patent does not program the VCR. Instead, Levine programs the Video Plus device 10 and the device 10 controls the VCR. The present invention allows the user to remotely program a video recording device by giving parameters for the programming after the video recording device has been commanded to enter a programming mode as described at paragraph [0021] of the present invention. Because Levine does not disclose or suggest this limitation of claim 2 , claim 2 is not subject to rejection under 35 U.S.C. § 102(b) in view of Levine.

With regard to claims 7 and 12, Levine does not disclose or suggest "enabling telephone communications between a user and a set top box when the user is at a location remote from the set top box." Basis for this amendment may be found in the specification at paragraph [0007]. As described above, Levine requires that the user and the device be collocated and connected to the same telephone circuit. Thus, Levine can not disclose or suggest enabling a telephone communication between the user and the set-top box when the user is located remote from the set-top box. Consequently, claim 7 is not subject to rejection under 35 U.S.C. § 102(b) in view of Levine. Claims 8-10 depend from claim 7 and claims 13 and 14 depend from claim 12. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 102(b) in view of Levine for at least the same reasons as claims 7 and 14.

With regard to claim 11, Levine does not disclose or suggest:

> transmitting audio data to the user to prompt the user to transmit audio
> programming data including start time data and one of stop time data and
> duration data and to prompt the user to select between entering new
> programming data, deleting existing programming data and editing existing
> programming data;
> receiving the audio programming data into the set top box through said
> telephone communications and converting the audio programming data into
> command data for the video recording device including modifying the stored
> command data responsive to audio programming data received through the
> telephone communications....

Appln. No.: 09/909,179   MATP-610US
Amendment Dated November 19, 2004
Reply to Office Action of August 26, 2004

    The Levine patent does not disclose or suggest any ability to edit existing programming data. Moreover, Levine can not be modified to allow an existing program to be edited because he discloses that the modem 40 is a receive-only modem. Thus, the system disclosed by Levine is incapable editing existing program data that is stored in the Video Plus device 10. Because Levine does not disclose or suggest this limitation of claim 11 , claim 11 is not subject to rejection under 35 U.S.C. § 102(b) in view of Levine.

    The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

    In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-14.

Respectfully submitted,

Kenneth N. Nigon, Reg. No. 31,549
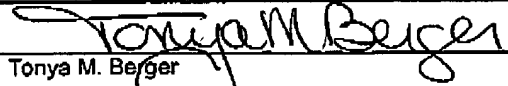Attorney(s) for Applicant(s)

Dated: November 19, 2004

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via Facsimile Transmission to Facsimile No. 1-703-872-9306 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

November 19, 2004

Tonya M. Berger

Page 8 of 8